



Land Use Petition: RZ-13-007 (Amended)
Concurrent Variance: VC-13-007-1
Amended Staff Report: July 23, 2013

PROJECT LOCATION: 5400 Block of State Bridge Road

DISTRICT/SECTION/LANDLOT: 1st District, 1st Section, Land Lots 257 and 258

ACREAGE: 12.00 Acres

EXISTING ZONING: R-1 Conditional (Single Family Dwelling District)
O-I Conditional (Office Institutional District)

PROPOSED ZONING: TR (Townhouse Residential District)

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 07: Autrey Mill Pastoral & Transitional Area

OWNER(S): Michael S. Jackson
159 River Bluff
Hoschton, GA 30548

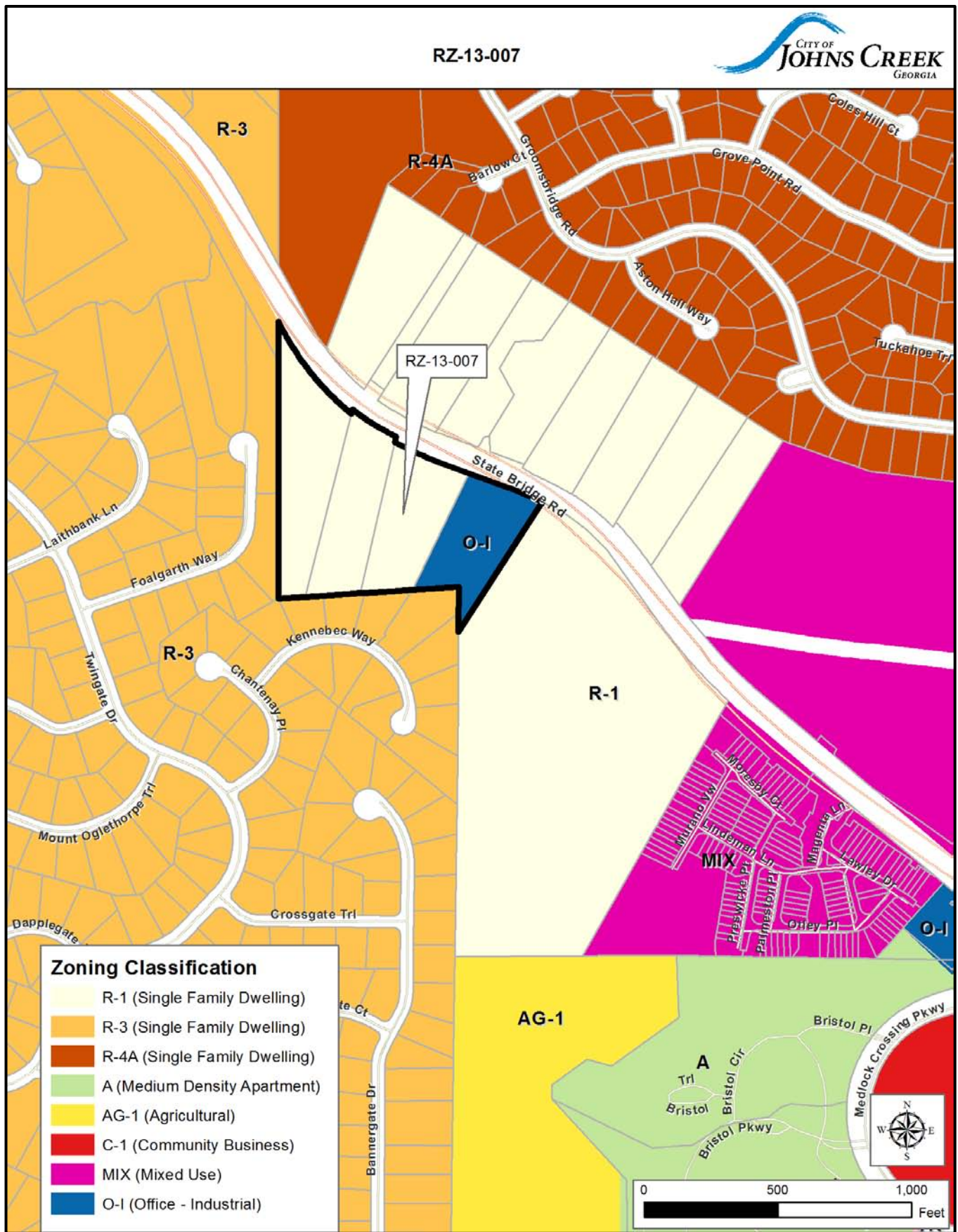
Byung K. Kim & Pil J. Kim
5450 State Bridge Road
Johns Creek, GA 30022

APPLICANT: Kenneth Wood
c/o Curtis Hicks
350 Research Court, Ste. 100
Norcross, GA 30092

CONTACT: Kenneth Wood: 404-867-8279

PROPOSED DEVELOPMENT: 76 unit townhome subdivision. Concurrent variance to reduce landscape strip along State Bridge Road from 30 feet to 10 feet.

STAFF RECOMMENDATION: **DENIAL**



PROJECT DATA

The applicant requests rezoning of a 12.00-acre tract from R-1 Conditional (Single Family Dwelling District) and O-I Conditional (Office Institutional District) to TR (Townhouse Residential District), to develop a 76-unit townhome subdivision at a density of 6.33 units per acre. The subject property is located on the southern side of State Bridge Road, southwest of its intersection with Medlock Bridge Road. The site currently contains an existing pond and three residential dwellings, with a residence located on the O-I zoned property previously approved for use as a dental lab. The residential structures will be removed but the pond will remain on the site as part of the overall 208,077 square feet of common area/open space (39.8% of the total site) available to the development. Each townhome unit would be constructed with a 2-car garage as specified on the site plan and 9 additional parking spaces are shown in the common area of the development.

The proposed site plan has identified a single point of access off State Bridge Road, which would require approval of a median break from the Public Works Department to provide access to the development for vehicles traveling west on State Bridge Road. In addition to the existing pond, a single stormwater management pond would be provided in the northwest corner of the development, with a portion of the pond encroaching into the 25-foot impervious surface setback portion of the stream buffer. The Department would note that a modification from the city's Development Regulations would be required to locate the detention pond in the stream buffer. The required 50-foot stream buffer and additional 25-foot impervious surface setback is shown adjacent to the existing pond and stream that meanders along the western property line. Shown adjacent to the east property line is a self-imposed 25-foot side yard buffer adjacent to State Bridge Crossing Elementary School, and to the south property line is a larger than required rear yard buffer of 50 feet. Although not shown, the 25-foot side yard buffer and associated 10-foot improvement setback is required adjacent to the west property line.

The submitted site plan shows that a 30-foot side yard and 35-foot rear yard perimeter setback will be applied to the site in compliance with the perimeter setback requirements established for TR zoning. A 40-foot front yard perimeter setback adjacent to State Bridge Road is also required, although not shown on the site plan. The Department would note these side and rear yard perimeter setbacks are shown within the required buffers and would also be located within the stream buffer and impervious surface setback required for this site. A concurrent variance to reduce the 30-foot landscape strip to a 10-foot landscape strip along State Bridge Road has been requested by the applicant. However, the applicant did not request for a reduction to the 40-foot perimeter setback adjacent to State Bridge Road. The applicant did not indicate a minimum dwelling size or provide elevations for the proposed townhomes. The Department would remind the applicant that attached residential building facades are required to consist of fifty percent brick or natural or pre-cast stone per the community standards, and maximum lot coverage for the development, inclusive of the total area of the footprint of all buildings and parking, is not to exceed fifty percent of total land area.

STANDARDS OF REVIEW - REZONING

A. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?

The surrounding zoning, land uses and development criteria are as follows:

Adjacent Properties	Zoning (Petition Number)	Land Use	Minimum Heated Floor Area	Density (Dwelling units/acre)
Across State Bridge Road: North	R-1 Conditional (1977Z-0107)	Single-Family Residential (North Fulton Estates)	2,000 SF	N/A
Nearby: North	R-4A Conditional & CUP Conditional (1983Z-0064; 1991Z-0056; & 1995Z-0038)	Single-Family Residential (Medlock Bridge)	1,800 SF; 2,000 SF; 2,600 SF	2.17
Across State Bridge Road: Northeast	MIX Conditional (2001Z-0095)	Johns Creek High School	N/A	N/A
Adjacent: East	R-1 Conditional (1977Z-0107)	State Bridge Crossing Elementary School	N/A	N/A
East	MIX Conditional (2001Z-0095)	Attached Single-Family Residential (Towne Village at New Haven)	1,100 SF	8.29
Adjacent: South & West	R-3 Conditional (1984Z-0019)	Single-Family Residential (Doublegate)	2,200 – 2,400 SF	1.40
Southeast	A Conditional (1991Z-0025)	Multi-Family Residential (Chelsea Ridge Apartments)	N/A	12.66

The proposed development represents an increase in density compared to adjacent and nearby single-family subdivisions that are located outside of the State Bridge Road/Medlock Bridge Road Activity Node. Additionally, the sole single-family residential development located within the Activity Node (Towne Village at New Haven) was approved as a mixed use development by Fulton County; and therefore, the proposed development as amended by the applicant would not be consistent with existing residential developments found within the Activity Node.

B. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?

Adverse impacts on adjacent and nearby residential properties located outside the Activity Node could be anticipated from the additional density and zoning precedent as proposed within a designated transitional area.

C. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?

The subject property has a reasonable economic use as currently zoned.

D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

An increase in traffic, utility demand and school-aged children would be anticipated from this request, as this proposal has been amended by the applicant to rezone the property to the TR zoning district, which has resulted in an increase in the number of townhome units proposed for the development, from 60 to 76 units.

E. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The subject property is located within Character Area 07: Autrey Mill Pastoral and also situated within a designated transitional area which recommends transitional land uses compatible to the established State Bridge Road/Medlock Bridge Road Activity Node. Policies for the character area suggest single-family developments at 1 unit per acre and policies for the activity node suggest 5 to 12 units per acre for residential uses. Although the activity node could support a larger density compared to the character area, it is reserved for mixed-use residential developments, which is defined as “a single building or development where two or more residential land uses are present consisting of single family, condominium, townhome, or multi-family development.” Consequently, the proposed townhome development, which presents a single residential land use component and proposes a density of 6.33 units per acre, would be inconsistent with the established policies and intent of the character and transitional area, and activity node.

F. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?

The applicant’s amended request for a townhouse subdivision would not be in keeping with the policies of the Comprehensive Plan and with existing residential uses found within the city’s activity nodes and transitional areas. These areas are characterized by mixed-use developments that incorporate a mixture of housing types and non-residential uses, further suggesting that the proposed development would not be suitable at this location.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.

The subject property contains an existing pond and a stream adjacent to the west property line. The required stream buffer and impervious surface setback are indicated on the site plan. Proper engineering and application of erosion and sedimentation controls for the development would reduce environmental impacts.

STAFF ANALYSIS

The subject property is a 12.00-acre tract that has combined four separate parcels zoned R-1 and O-I, located on the south side of State Bridge Road, southwest of its intersection with Medlock Bridge Road. The site currently contains an existing pond and several residential structures that would be removed as part of the proposed development. The balance of the property is heavily wooded and an existing stream is located adjacent to the west property line.

The surrounding area is characterized by a mixture of single-family and multi-family uses and established commercial and institutional uses along the State Bridge Road corridor. Adjacent to the west and south is Doublegate subdivision, zoned R-3 Conditional. Across State Bridge Road to the north are existing residences that make up a remnant portion of North Fulton Estates subdivision, zoned R-1 Conditional. Further north and northeast is Medlock Bridge subdivision, zoned R-4A Conditional and CUP Conditional, and Johns Creek High School. To the east is State Bridge Crossing Elementary School and Towne Village at New Haven, zoned MIX Conditional. Further east towards Medlock Bridge Road is a large-scale commercial shopping center (Medlock Crossing Shopping Center), commercial strip centers, office uses, financial institutions, an assisted living facility, and a gas station (BP). To the southeast are Chelsea Ridge Apartments and Perimeter Church, zoned A Conditional and AG-1, respectively.

The proposed density of 6.33 units per acre may be consistent with the density of similar attached single-family developments existing nearby, but it exceeds the density of adjacent residential subdivisions located within the Autrey Mill Pastoral Character Area, such as Doublegate, which maintains a density of 1.40 units per acre. This request would also be inconsistent with the suggested density for the character area of 1 unit per acre. Additionally, the applicant has proposed a minimum dwelling size of 1,100 square feet; however, the minimum heated floor area of the proposed townhome units should be consistent with surrounding and nearby residential developments. Although Towne Village at New Haven, a nearby townhouse development, was conditioned to 1,100 square feet for the minimum dwelling size, both Merrimont and Arlington Pointe subdivisions, which are located at or near the intersection of Morton Road and State Bridge Road, and situated adjacent to existing single-family subdivisions were conditioned to a minimum dwelling size of 1,600 square feet. With the proposed development located adjacent to an established single-family subdivision, the site should be conditioned to a minimum dwelling size of 1,600 square feet should this request be approved.

The subject property lies within Character Area 07 – Autrey Mill Pastoral and also a transitional area. Policies for the character area suggests that transitional land uses be compatible with the established Activity Node; at this location the associated Activity Node is State Bridge Road/Medlock Bridge Road. The specified activity node would not support a traditional townhome subdivision at this location, as transitional areas are reserved by the Comprehensive Plan for the future expansion of activity nodes with either a mixed use development or a residential development that incorporates a varying mix of residential uses. Although the initial proposal for a mixed use development consisting of commercial and office uses with a residential component may have been suitable for the subject property, the amended proposal to the TR zoning district for a 76-unit townhome development would be inconsistent with the policies of the Comprehensive Plan.

The requested concurrent variance to reduce the landscape strip on State Bridge Road from 30 feet to 10 feet cannot be supported by staff. The reduction of the landscape strip would detract from the intent of the State Bridge Road median beautification/landscaping project that has been undertaken by the Public Works Department to provide an aesthetically pleasing and uniformly landscaped corridor. Additionally, prior to the incorporation of the City of Johns Creek, a precedent was established along this segment of State Bridge Road to provide at minimum a 25-foot landscape strip. The proposed concurrent variance for a 10-foot landscape strip would deviate from the established precedent.

In conclusion, the proposed rezoning from R-1 Conditional and O-I Conditional to TR for a townhome subdivision would not be consistent with established policies for the area and the Activity Node, and the proposed development would not be compatible in scale with adjacent residential uses. Therefore, the

Community Development Department recommends **DENIAL** of land use petition, RZ-13-007, and concurrent variance, VC-13-007-1.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. City of Johns Creek has 2 Capital Improvement Projects located on State Bridge Road in the vicinity of the property to be considered for rezoning. Reference the following project numbers for details on these projects:
 - **PI #0010653** – State Bridge Road Landscaping between Kimball Bridge Road and Medlock Bridge Road. This project is nearing completion and has installed landscaping in the medians within the project limits.
 - **PI #0012632** – Feasibility Study for Multimodal Roadway Connection. The proposed project will study opportunities for new roadway connection between Old Alabama Road and State Bridge Road.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
 - a. The driveway spacing, as shown in the site plan, does not meet spacing requirements.
 - b. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
 - c. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. All existing driveways must be removed at the time new driveways are to be installed.
4. Applicant will be required to repair and/or install any 8-foot trail along the entire property frontage on State Bridge Road damaged during construction at no cost to the City of Johns Creek.
5. The proposed median break on State Bridge Road is under review by the City of Johns Creek Director of Public Works.
 - a. The median is part of an active federally funded project (PI #0010653) that requires maintenance of the landscaping for 2 consecutive growing seasons after completion of the project.
 - b. As part of the evaluation of the median break, the applicant is required to provide a signal warrant study at the proposed full access drive and State Bridge Road. If the intersection meets warrants, the developer will be required to install the traffic signal at no cost to the City of Johns Creek.
6. Please be advised that permanent easements were purchased by the Georgia Department of Transportation for the State Bridge Road Widening Project (STP-189-1(26)CO). No improvements related to on-site construction may be made within this easement unless approved by the City of Johns Creek Director of Public Works.

WATER AND SEWER

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete

the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

WATER: *(Anticipated water demand calculation revised to reflect amended proposal for a 76-unit townhome subdivision)*

Anticipated water demand: 270 gallons per day (gpd) per housing unit x 76 units = 20,520 gpd

This project is within the Fulton County Government water service jurisdiction.

SEWER: *(Anticipated sewer demand has not been revised by staff due to insufficient information)*

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 15,840 gallons per day

There is a sanitary sewer manhole along the western property line boundary of 5420 State Bridge Road (3.39 acre tract) (Sewer manhole# SMJC2814310) land lot 258, district 1-1.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

1. The applicant shall be required to connect the proposed residential and commercial development to public water and public sanitary sewer available to the site.
2. Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
3. The proposed development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.
4. If there are structures that are to be demolished, this department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.
5. If the proposed development includes an existing individual on-site sewage management system(s), it shall be abandoned in accordance with Fulton County regulations.
6. If the proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

FULTON COUNTY BOARD OF EDUCATION

(The impact of estimated number of students to the school system shown below does not reflect the applicant's amended proposal to increase the overall number of townhome units from 60 to 76 units)

ES students – 7 to 15

MS students – 3 to 6

HS students – 6 to 11

Total students – 16 to 32

FIRE MARSHAL

1. Proposed internal road shall meet or exceed all requirements of the International Fire Code for apparatus access and the current city regulations.
2. Accessible parking shall be provided within the commercial portion of the development.
3. Development plan will be subject to review and approval prior to construction.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, parking islands, density requirements, and any specimen recompense are to be planted per the Guidelines.
 - a. The required tree density is 30 units per acre.

SITE DEVELOPMENT

1. A Land Disturbance Permit (LDP) is required to develop property. Development plans will have to comply with the Development & Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
2. Zone AE floodplain is located at the northwest corner of property, in the area of the proposed stormwater facility. The new floodmaps that become effective on 9/18/13 show a slight increase of the Zone AE than what the current floodmaps show. Compliance with the City's Floodplain Management Ordinance will be required (no rise certification, cut/fill compensation, etc.).
3. Fulton County Water & Sewer approval is required prior to issuance of land disturbance permit.
4. A subdivision plat, water/sanitary/storm as-builts, stormwater maintenance agreement, and performance and maintenance sureties will be required prior to issuance of a building permit.
5. Stormwater facility and required 10 foot access/drainage easement cannot be located within the stream buffer or impervious setback.
6. Upon submittal of a land disturbance permit, the stormwater facility area will need a 20 foot access easement to the ponds, a 10 foot access easement around the ponds, and a 20 foot pond landscape buffer around the ponds. A six foot tall fence with a 10 foot wide access gate shall be placed between the 10 foot access easement and 20 foot landscape buffer.
7. Stormwater Management Report required upon submittal of development plans. A downstream analysis, water quality, channel protection, post to pre, peak discharge control for the 25-year storm, and detention/safe passage of the 100-year storm are required for each basin (per the Georgia Stormwater Management Manual).
8. Stream buffer and impervious setback labels should be switched.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **DENIAL of RZ-13-007 and VC-13-007-1**. Should the petition be approved, the Department has provided the following conditions as a guide:

1. The site shall be developed as a single-family attached subdivision with a maximum of 76 units.
2. The following development standards shall be applied along the perimeter of the subject property:
 - Front yard setback: 40 feet
 - Side yard setback: 35 feet
 - Rear yard setback: 60 feet
3. Provide a 30-foot landscape strip adjacent to the newly dedicated right-of-way of State Bridge Road.
4. The site shall be developed in general accordance with the site plan submitted to the City of Johns Creek Community Development Department on June 27, 2013.
5. The minimum dwelling size shall be 1,600 square feet.
6. Two-car garage shall be provided for each dwelling unit.
7. Townhomes shall be constructed of primarily brick or stone on all sides. Accents may be of the same, cedar shake or fiber-cement siding.
8. Provide an ornamental wall/fence on the entire property frontage along State Bridge Road. Wall shall be constructed of 6-foot high brick and/or stacked stone columns. Final wall/fence design and location shall be subject to review and approval of the Community Development Director.
9. Owner/Developer shall provide a single right-in/right-out only drive from State Bridge Road, or if median break is approved, one (1) full access drive from State Bridge Road.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on State Bridge Road a minimum of seventy-five feet (75ft) from the centerline of the road and dedicate at no additional cost to the City of Johns Creek such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of trail whichever is greater, of all abutting road improvements prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
11. Owner/Developer shall dedicate at no cost to the City of Johns Creek a minimum of sixty feet (60ft) wide right-of-way or as required for the City of Johns Creek Project (P.I. #0012632), Feasibility Study for Multimodal Roadway Connection or as necessary prior to the issuance of a Land Development Permit as approved by the City of Johns Creek Director of Public Works.
12. Owner/Developer shall provide deceleration lane at each project entrance on State Bridge Road or as may be required by the City of Johns Creek Director of Public Works.

13. Applicant shall provide a signal warrant study at the proposed full access drive and State Bridge Road. If the intersection meets warrants, the developer will be required to install the traffic signal at no cost to the City of Johns Creek.
14. If the median break on State Bridge Road is approved; owner/developer shall provide left turn lane at the full access drive on State Bridge Road or as may be required by the City of Johns Creek Director of Public Works.